

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

CHARLES MITELHAUS,
Plaintiff,

v.

SUZANNE NIEDERLITZ WYNN, in her
capacity as a Co-Trustee of the
Thomas H. Dungan and Suzanne B. Dungan
2016 Living Trust, et al.,
Defendants.

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PE:23-CV-00019-DC-DF

ORDER

On this day, the Court considered the status of the above-captioned cause. A review of the case file indicates that Plaintiff Charles Mitelhaus (“Plaintiff”) and Defendant Cullen/Frost Bankers, Inc. d/b/a Frost National Bank’s (“Defendant Frost Bank”) (collectively here, “the Parties”) have agreed to stipulations (hereafter, the “Stipulation”) that purport to extend Defendant Frost Bank’s deadline to answer Plaintiff’s Original Complaint. (Docs. 6, 7). The Court will construe the Stipulation as a motion for an extension of time. However, the Parties are admonished that the correct procedure is indeed to file a motion requesting an extension of a deadline. Any further stipulations that purport to extend deadlines set by the Court or the Federal Rules of Civil Procedure will be stricken from the record.

The deadline to file an answer to an initial complaint is established by Federal Rule of Civil Procedure 12. The Court has authority to extend Federal Rule 12 deadlines for good cause pursuant to Federal Rule of Civil Procedure 6(b). Additionally, “district courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases.” *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016).

The Parties first stipulated on July 11, 2023, to extend the answer deadline to July 27, 2023. (Doc. 6). The Parties then filed a second stipulation on July 24, 2023, “extending” the deadline to August 16, 2023. (Doc. 7). In light of the fact that the Parties have stipulated to extend this deadline, and this is the first admonition of record the Court has given the Parties, the Court finds there is good cause in this case to grant the requested extensions.

It is therefore **ORDERED** that Defendant Frost Bank’s deadline to answer Plaintiff’s Original Complaint shall be extended to **August 16, 2023**.

Accordingly, the Stipulation, construed as a motion, is **GRANTED**. (Docs. 6, 7).

It is so **ORDERED**.

SIGNED this 2nd day of August, 2023.



DAVID B. FANNIN
UNITED STATES MAGISTRATE JUDGE